

FILE COPY

Office - Supreme Court, U. S.

FILED

APR 3 1941

CHARLES ELMORE GROPLE  
CLERK

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, A. D. 1940.

No. ~~796~~ 30

DANIEL D. GLASSER,

*Petitioner,*

*vs.*

UNITED STATES OF AMERICA.

MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE

AND

BRIEF OF AMICI CURIAE IN RE PETITION OF  
DANIEL D. GLASSER.

RALPH M. SNYDER,

*no* JAMES A. HOWELL,

*no* PAUL H. MOORE,

*no* OPAL L. BUNN,

*no* DANIEL A. CAREY,

*no* DANA R. SIMPSON.

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1940.

---

**No. 796.**

---

**DANIEL D. GLASSER,**

*Petitioner,*

*vs.*

**UNITED STATES OF AMERICA.**

---

**MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE.**

---

The undersigned members of the bar of the State of Illinois respectfully petition this Honorable Court for leave to appear as *amici curiae* and for leave to file their brief in support of the petition of Daniel D. Glasser for a writ of *certiorari*, the written consent of all parties to this case having been filed with the clerk of this court.

**REASONS FOR THE MOTION.**

---

1. This case involves the rendering of faithful public service by a capable Assistant United States Attorney and is of great importance to the members of the bar.
2. A faithful and capable Assistant United States Attorney stands convicted of a crime which in the opinion of the undersigned he did not commit.
3. The record does not sustain the conviction of the petitioner, Daniel D. Glasser.

4. The conviction herein will unjustly and wrongfully deprive a member of the bar of his liberty and will result in his disbarment.

5. The sustaining of a conviction on the present record, and the refusal of this Court to review that conviction, will discourage capable lawyers from accepting appointments from governmental agencies. Every attorney engaged in public service is in jeopardy if he can, as here, be convicted of a crime on the basis of speculation and vindictiveness.

The facts upon which this motion is based are contained in the record of the proceeding, which now is before this Honorable Court.

WHEREFORE the undersigned pray that they be granted leave to appear as *amici curiae* and for leave to file their brief in support of the petition of Daniel D. Glasser for a writ of *certiorari*.

Respectfully submitted,

RALPH M. SNYDER,

JAMES A. HOWELL,

PAUL H. MOORE,

OPAL L. BUNN,

DANIEL A. CAREY,

DANA R. SIMPSON.

IN THE

**Supreme Court of the United States**

OCTOBER TERM, 1940.

---

No. 796.

---

DANIEL D. GLASSER,

*Petitioner,**vs.*

UNITED STATES OF AMERICA.

---

BRIEF OF AMICI CURIAE IN RE PETITION OF DANIEL D.  
GLASSER.

---

This brief is suggested by practicing lawyers of Chicago who are familiar with the record in office of Daniel D. Glasser and with this case.

It is felt this case is so fraught with error and injustice and so unlawfully deprives a member of the bar of his liberty that it will jeopardize the security and reputation of any lawyer engaged in the public service and will discourage honorable and capable lawyers from accepting employment by agencies of the United States Government. We do not deem it within our province, in view of the petition and brief filed herein by the Petitioner, to outline all the instances in which Mr. Glasser's rights were degraded and ignored. We confine ourselves to a brief mention of those instances which have outraged our own sense of justice and of our views of why his conviction should be reversed.

1. There is no showing in the record that any indictment was returned by any grand jury charging Glasser with the commission of any crime.

2. Glasser was tried on nebulous charges of conspiracy with no proof before the jury to sustain such charges.

3. Glasser was deprived of the services of his attorney through the appointment by the trial judge of Glasser's attorney to represent one of the defendants who was without legal representation and whose interests were adverse to those of Glasser.

4. The trial judge who was brought to Chicago to hear the case acted in the capacity of a witness and prosecutor, and Glasser was deprived of the opportunity to have his case tried before a judge serving only in judicial capacity.

5. Three United States District Judges who were intimately familiar with Glasser's services as Assistant United States Attorney and in many instances with specific matters charged in the trial, voluntarily testified in his behalf not only as to good character and ability but also as to the specific facts with which they were familiar.

6. The record contains the positive testimony of Glasser's immediate superior, former District Attorney and now District Judge Igoe:

"The various actions of my assistant, Mr. Glasser, were taken up by him and discussed with me, and I knew all of the orders that were rendered either before or shortly after they were rendered and they had my approval." (R. 895.)

7. The mode in which the jury was selected was contrary to law.

The undersigned as members of the Bar of the State of Illinois and fellow practitioners of the petitioner Glasser in the City of Chicago, Illinois, believe that in the interests of right and justice they should be permitted to intervene

herein and as *amici curiae* to present to this Court their views of why the conviction of Glasser and the judgments of the courts below are wrong and should be reversed. Glasser served his country faithfully and well, both as a member of its armed forces and as an efficient public servant in the capacity of an Assistant United States Attorney. While Glasser is not entitled to consideration unless he has been wronged by the proceedings below, the undersigned are firmly of the opinion and strenuously urge that this record does not support the conviction and that this Court should review the case in order to avoid a grave injustice of far-reaching effect to a faithful and efficient public servant and a member of the Bar of this Honorable Court.

Respectfully submitted,

RALPH M. SNYDER,

JAMES A. HOWELL,

PAUL H. MOORE,

OPAL L. BUNN,

DANIEL A. CAREY,

DANA R. SIMPSON.

